

### REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

The present invention is drawn to an apparatus for producing consumable products. In accordance with the apparatus, a first ram (water-cooled) initially displaces a consumable material when moved from a first position to a second position. With the water-cooled ram in the second position, a displacement ram is moved to further displace the consumable material to expel air inclusions therefrom. Independent claims 25, 26, 27 and 28 have been amended so as to set forth with more specificity the structure and function for accomplishing the foregoing. None of the prior art references cited by the Examiner teach, suggest, disclose, or render obvious the subject matter of independent claims 25, 26, 27 and 28 as currently presented.

With regard to the prior art references, the following should be noted.

The '456 reference refers to an apparatus for converting molding thermoplastic in cup-like articles. Therefore plastic material is filled in the cavity 65 with a volume slightly greater than the total volume of the die cavity (see column 6, lines 63-68). A male die 63 is lowered in the cavity and a molding glob in the female die is flattened across the mold bottom, the plastic is forced upwardly through the thin sight wall of the cavity 65, completely filling the thicker bead area 71 and forces the volume excess outwardly between the surfaces 66, 67, all while the plastic is still molten and then hold the die closed for an interval long enough to insure complete solidification of the plastic before opening of the mold (see column 8, lines 5-14). After opening the mold the ejector head 83 is moved downwardly relative to the die as illustrated in figure 11 in order to strip

off the cup from the die. Therefore, the ram 85 together with the ejector head 83 is only an ejector and has nothing to do with the displacement ram of the present invention as claimed in claim 25. Ejectors are normally used in injection molding of plastic articles.

The '394 reference has nothing to do with the present invention as claimed in claim 26. The Examiner refers to a pipe 36c which is associated with axial bore and a source of gas connected to the pipe 36c. The Examiner's attention is drawn to column 10, line 64 to column 11, line 4. The heating and cooling means 36 comprises a first space 36a in the female member 30 along the vicinity of the forming portion thereof, a second space 36b in the male member 31 along the vicinity of the forming portion thereof, and a steam/cooling-water supply means (not shown) for selectively supplying steam or cooling water to the spaces 36a and 36b through a pipe 36c from the outside of the pressure chamber 1. The gas is not supplied to the cavity and the gas doesn't force the mold material in the cavity.

The '532 reference is drawn to a mold whereby containers may be formed from wood pulp or other suitable material. A mold is so constructed that surplus water is pressed from the pulp. Therefore, at first a negative pressure is applied through opening 12 into the chamber 13, which draws the flexible diaphragm 11 against the interior walls of the portion 1. Thereafter a predetermined quantity of pulp of suitable material is admitted through the filling chamber 2 into the expanded flexible diaphragm 12. The piston 3 is then pushed by some suitable means down filling chamber 2 to a predetermined point. Thereafter the negative pressure is discontinued through opening 12 and positive pressure is admitted through that opening into the chamber 13. The positive pressure causes the flexible diaphragm 11 to further

squeeze the pulp 24 towards the screen 10, dewatering the pulp. This has nothing to do with the subject matter of claim 27 and does not cure the deficiencies noted above with regard to the '456 reference.

The JP '452 reference is drawn to a mold filled with a chocolate mass, not shown. There is only shown a container 7, filled with a mixture 6 of chocolate material. Furthermore, there is not shown a temperature-controlled ram which is lowered into the container/mold. Above the container a cylindrical object 5a is arranged in which a product molding part 1 is inserted (see figure 1). Thereafter the object 5a is lowered in the direction of the container (see figure 2) but is not lowered into the chocolate mass. Only the flexible part of the elastic die 10 is partly lowered into the mass but only in order to touch the chocolate mass. The mixture 6 of chocolate material is made to adhere to the surface of the product molding part 1 in the shape of a thin film (see paragraph [0022]). Thereafter the flexible part of the die 10 is sucked in the object 5 and then filled with a new material (see figures 3 and 4). This reference has absolutely nothing to do with the present invention as claimed in claim 28.

In light of the foregoing, it is respectfully submitted that all of the claims as pending patentably define over the art of record and the early issuance of a formal notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is

courteously invited to telephone the undersigned and the same would be gratefully appreciated.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

By /Gregory P. LaPointe #28395/  
Gregory P. LaPointe  
Attorney for Applicant  
Reg. No.: 28,395

Telephone: 203-777-6628  
Telefax: 203-865-0297

Date: November 3, 2009